

### **REMARKS**

In the Office Action, the Examiner indicated that claims 1 -5, and 7-19 are pending in the application, that claims 1-5, 7, and 12-18 are allowed, and that claims 8, 9, 11, and 19 are rejected.

#### **Claim Amendments**

Claims 8 and 19 have been amended to recite the claimed protection circuit as a *transmit/receive* protection circuit.

#### **Claim Rejections, 35 U.S.C. §102**

On page 2 of the Office Action, the Examiner rejected claims 8, 9, 11, and 19 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,140,858 to Dumont.

#### **The Present Invention**

The present invention is directed to a transmit and receive protection circuit for use in a communication system. In the transmit and receive protection circuit, the DC currents through an input side and an output side of a four-diode gate are controlled independently. By independently controlling the DC currents through each side of the four-diode gate, more control over the DC currents through the individual diodes of a four-diode gate is achieved. This allows a four-diode gate having low AC resistance to

be created in which low power AC signals on an input side of the four-diode gate are accurately reproduced on an output side of the four-diode gate.

In a first embodiment each diode of the four diode gate has an independent resistor that is used for current control; in a second embodiment, two of the four diodes have independent resistors used for current control, and the other two diodes share a single resistor for current control.

**U.S. Patent No. 6,140,858 to Dumont**

U.S. Patent No. 6,140,858 to Dumont teaches a predistortion circuit for an analog signal in a video communication network. A distortion generator creates a predistortion that is introduced into an analog signal carried by the video communication network.

**Claim Rejections under 35 U.S.C. §102**

The MPEP and case law provide the following definition of anticipation for the purposes of 35 U.S.C. §102:

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP §2131 citing *Verdegaal Bros. v. Union Oil Company of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987).

By this amendment, Applicant has amended independent claims 8 and 19 to specifically recite the present invention as a “transmit/receive protection circuit” that

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includes first and second series connected diode strings that are independently controllable to carry predetermined independent DC currents. Dumont contains no such teaching or suggestion; rather than being directed to a transmit/receive protection circuit, Dumont is directed to distortion creating circuitry. The creation of distortion is non-analogous art having nothing to do with the protection of a transmit/receive path.

Without a teaching or suggestion of transmit/receive protection circuitry, it is inappropriate to rely on Dumont in rejecting the claims in their currently-amended form.

The Examiner is respectfully requested to reconsider and withdraw the rejection of claims 8, 9, 11, and 19 based on Dumont.

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**Conclusion**

The present invention is not taught or suggested by the prior art. Claims 1-5, 7, and 12-18 have been allowed. Claims 8, 9, 11, and 19, as amended, patentably define over the prior art for the reasons set forth herein. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 19-5425.

Respectfully submitted,

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Date

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